

6.0.00 General

Access onto *all* state highways is regulated. A state highway may be a limited access highway as defined by RCW 47.52 (see Appendix 16), wherein the state owns the property right of access along the highway, or a managed access highway, wherein either the WSDOT, under RCW 47.50 (see Appendix 12), or a city pursuant to RCW 47.24 (see Appendix 15), has the authority to issue an access permit to an abutting owner for access onto the highway. This includes highways that have been established as limited access and have not yet acquired the right of access from the abutting property owners. A Development Services Representative must follow different procedures when considering an application for access onto a highway, depending upon whether the highway is a limited access highway or a managed access highway. Part 1 covers Managed Access Highways, and Part 2 covers Limited Access Highways.

6.0.01 Access Permit Authority

Limited Access Highways: The approving authority for access onto *any* limited access highway is the Environmental and Engineering Programs (E&EP) Director with concurrence from the Director, Real Estate Services, both located at Headquarters. No access may be permitted onto a limited access highway without the value determination process being completed.

Managed Access Highways Outside Corporate Limits: The approving authority for access permits onto managed access highways outside corporate limits of a city or town is WSDOT at the Regional level. See WAC 468-51(Appendix 13) “Access Permits – Administrative Process” for the permit fee schedule and an application process.

Managed Access Highways Within Corporate Limits: The approving authority for access permits onto managed access highways inside the corporate limits of a city or town is with the city or town. RCW 47.50.020 gives cities or towns jurisdiction over Access Managed state highways within incorporated areas. RCW 47.50.030(3) requires local jurisdictions to adopt standards for access permitting which meet or exceed WSDOT standards. WSDOT may act as a permitting agent for the city or county if there is an appropriate intergovernmental agreement in place. The agreement must include a “hold harmless” clause to protect the department from actions associated with access permits and connections within the incorporated area. The agreement should also be reviewed by the Attorney General’s Office prior to its execution.

PART 1: Managed Access Highways

6.1.01 General

In 1991, the Washington State legislature passed an additional law to regulate access onto state highways: RCW 47.50 “Highway Access Management.” This law required the WSDOT to develop new sets of rules to be included into Washington Administrative Code (WAC) for those state highways. RCW 47.50 created a new type of state highway designation called Controlled Access highways or Access Managed highways for those highways not already acquired as Limited Access highways.

The Highway Access Management law is intended to help preserve the safe and efficient operation of state highways. Every owner of property that abuts the state highway system, where limited access rights have not been acquired, has a right to reasonable access. If access can be provided to another public road, which abuts the property, access to the state highway may be restricted. The right to access is regulated by laws described in RCW 47.50, WAC 468-51, and WAC 468-52 (Appendix 14).

No connection to a state highway shall be constructed or altered without obtaining an access connection permit in advance of such action. All costs including construction or alteration of a connection shall be borne by the permittee unless the relocation or alteration is made at the request of WSDOT or pursuant to a WSDOT project. RCW 47.50.040(2).

6.1.02 Managed Access Highway Rules

- WAC 468-51 “Access Permits – Administrative Process,” applies to non Limited Access state highways outside the incorporated limits of a town or city. It established the permit fee schedule and an application process for all access connections to the state highway system. See page 6-6 for Permit Fee Schedule.
- WAC 468-52 “Access Control Classification System and Standards,” established a classification system and design standards for all Managed Access Highways, including state highways located within the incorporated limits of a town or city.

6.1.03 Managed Access Definitions/Elements

Access Classification

The highway classification system includes five classes, ranging from the most restrictive Class 1, to the least restrictive Class 5. These classes establish the criteria for permitting public and private approaches. Each Region’s Highway Access Management Access Control Classification is found in: http://www.wsdot.wa.gov/EESC/Design/Access/Open_AccessMgmt.FP5

Access Categories

Each connection permit issued to a property owner or developer, is dependent on the amount and type of traffic, which will use the connection. Access connections are divided into four categories:

Category I (Minimum Connection)—agriculture, utility, residential (up to ten (10) homes) and small commercial sites which generate less than 100 Average Weekday Vehicle Trip Ends (AWDVTE).

Category II (Minor Connection)—any access generating 1,500 or less, trips per day, but not included in Category I.

Category III (Major Connection)—High volume traffic generators expected to have an AWDVTE exceeding 1,500.

Category IV (Temporary Connection)—provides a temporary time limited connection to a state highway for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to logging, forestland clearing, temporary agricultural uses, temporary construction and temporary emergency access and access in areas of established limited access control where property rights have not been purchased by the state.

Conforming and Nonconforming Accesses

An access is defined as "conforming" if it meets or exceeds current department location, spacing and design criteria. An access is defined as "nonconforming" if it does not meet current department location, spacing and design criteria. The distinction between a conforming and nonconforming access is important because a nonconforming access may be subject to relocation or removal at the department's discretion.

Important Note: A December 17, 1996 memorandum from the Access and Hearings Engineer clarified that all approaches on Class 1 and Class 2 highways must be defined as "nonconforming." Also, WAC 468-52-040 states that access connections to Class 1 and Class 2 highways must be removed if and when other "reasonable" access becomes available. (Refer to DM Chapter 1435, this has additional references for the Class 1 and Class 2 connections.)

Variance

Variance permit means a special nonconforming or additional connection permit, issued for a location not normally permitted by current department standards, after an engineering study demonstrates, to the satisfaction of the department, that the connection will not adversely affect the safety, maintenance or operation of the highway in accordance with its assigned classification. This permit will remain valid until modified or revoked by the WSDOT or where applicable, the city or town.

Variance permits are not issued for:

- Class 1 highways
- Approaches not meeting corner clearance criteria (WAC 468-52.040). See DM Chapter 1435 for this information.

What is the difference between a Nonconforming Permit and a Variance Permit?

- A "nonconforming" permit is issued when the access does not meet current department location, spacing and design criteria AND the property has no other means of accessing the public road System. Conditions impacting the use of a "nonconforming" access include but are not limited to traffic volumes, future alternate access, and identification of all users.
- A "variance" permit is issued at WSDOT's discretion. Although other means of access are available, other issues such as land locked property, improving site circulation for safety and the location of their legal access easements can be reasons for a variance to be considered by WSDOT. Conditions include but are not limited to traffic volumes and identification of all users.

Grandfathered Connections

After the passage of the RCW 47.50 "Highway Access Management," permits were required for approaches onto Managed Access highways. Approaches in existence and in active use prior to July 1, 1990, are exempted from permitting. These "grand fathered" approaches do not require an access connection permit if both the use and highway volumes remain the same as July 1, 1990. When the land use, the land access location, or the physical configuration of the access points change, or the highway volumes increase, the property owner must apply for an Access Connection Permit from the department. If the permit is not obtained, the connection may be closed pursuant to RCW 47.50.040.

The attached table references the appropriate RCWs or WACs for some of the key elements for the guidance of access permitting to Access Managed highways.

Managed Access and Limited Access Highways

Criteria	RCW or WAC
Access Classifications	WAC 468-52-040
Categories of approaches	WAC 468-51-040
Grandfathered connections	RCW 47.50.080, WAC 468-51-130
Contiguous Parcels	WAC 468-52-020
Conforming/nonconforming	WAC 468-51-020, WAC 468-52-020, WAC 468-51-100
Variance	WAC 468-51-020, WAC 468-52-020, WAC 468-51-105
Change in use	WAC 468-51-110
Jurisdiction/authority	RCW 47.24, RCW 47.50.030, WAC 468-51-010, WAC 468-51-060
Bonding and permit fees	WAC 468-51-070
Adjudicative procedures	WAC 468-51-150

Highway Classification & Definition	Permits Allowed			Minimum Access Spacing	Access Limitations
	Non-Conforming	Variance	Conforming		
Class 1* Mobility is primary function	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No	1320'	1 access only to contiguous parcels under same ownership. Private direct access not allowed unless no other reasonable access exists. (Must use county road system if possible.)*
Class 2* Mobility Favored over Access	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	660'	1 access only to contiguous parcels under same ownership unless frontage > 1320'. Private direct access not allowed unless no other reasonable access exists. (Must use county road system if possible.)*
Class 3 Balance between Mobility and Access in areas with less than Maximum Build out	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	330'	1 access only to contiguous parcels under same ownership. Joint access for subdivisions preferred, but private direct access allowed with reason.
Class 4 Balance between Mobility and Access in areas nearing Maximum Build out	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	250'	1 access only to contiguous parcels under same ownership.
Class 5 Access needs may have priority over Mobility needs	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	125'	More than 1 connection per ownership allowed with reason.

* "Per WAC 468-52-040, the access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or acceptable access to the general street system becomes available and is permitted."

6.1.04 Access Connection Permit Process

The typical Access Connection Permit process is shown in the flowchart found in Appendix 6 and is described in the following eight steps.

Step 1 — Determination of Need and Authority for Access Connection Permit

The permit process may be initiated based on an action or request by a property owner or development proposal. The application is for access onto a Managed Access state highway, Class 1-Class 5. If a Managed Access highway is within an incorporated city or town, the local jurisdiction is the approving authority for the permit. The local jurisdictions, by state law (RCW 47.50.030(3)), are required to adopt access standards that meet or exceed WSDOT standards. If the request is proposing to access onto a Limited Access section of highway, refer to Part 2, Limited Access Highways of this chapter.

During the initial contact with the applicant, general information is exchanged to determine the need for direct access to the state highway. This contact may be in the form of a telephone call, email, direct contact, or in response to a SEPA development proposal. Essential information needed from the applicant for evaluation includes the state highway, approximate milepost, the type of land use action, and the availability of access to an adjacent public road. This information is used to pre-screen applications. For example, if the parcel is within the city or town, refer the applicant to the city or town. Or, if the parcel has access to another public road, direct access to the highway is generally not provided.

If the proposed connection is within WSDOT jurisdiction and meets the initial criteria for access to the state highway, the owner must complete the “Application for Access Connection” (WSDOT Form 224-694, currently Rev.7/99) and submit the appropriate fee (see table below). This permit fee is non-refundable. See Appendix 19 for copy of access application.

Access Connection Fee Schedule

CATEGORY I (Minimum Connection)	Fee***
Field (Agricultural, Forest Lands, Utility Operations and Maintenance).	\$ 50
For each residential dwelling unit (up to 10 units) utilizing a single connection point	\$ 50
Other, with 100 AWDVTE* or less	\$ 500
Fee per additional connection point	\$ 50

Category II (Minor Connection)**	
Less than 1,000 AWDVTE*	\$ 1,000
1,000 to 1,500 AWDVTE*	\$ 1,500
Fee per additional connection point	\$ 250

Category III (Major Connection)**	Cost
1,500 to 2,500 AWDVTE*	\$ 2,500
Over 2,500 AWDVTE*	\$ 4,000
Fee per additional connection point	\$ 1,000

Category IV (Temporary Connection)	
Base fee per connection	\$ 100

* AWDVTE - Average Weekday Vehicle Trip Ends.

** Require a traffic analysis, signed by a professional engineer, licensed in accordance with RCW 18.43.

*** Fee structure is derived from WAC 468-51-070.

Step 2 — Review of Permit Application

Review the application for completeness. **WAC 468-51-060** specifies the minimum information that must be contained on the application. Category I and Category IV connections normally require only the minimum information. Category II and III connections require more detailed information, such as a Traffic Impact Analysis. Regardless of Category, all applications must be complete and accurate. If the application is incomplete, the applicant must provide the missing information before WSDOT can complete the review.

Step 3 — Establish Location and Status of Access

Following review of the access application, the location and status of the proposed approach must be verified. Check the location to determine if this is a new, existing permitted, or grandfathered approach. Initially this task is done within the office. Resources available include SR View, right-of-way plans, aerial strip maps, RAMPS or other database, and contract as-built plans.

Step 4 — Determine Access Classification

Determine the access classification of the highway (Class 1-5) at the location of the proposed approach. See the Highway Classification Description Table in this chapter.

Important Note: Check the “Access Management Tracking System” to determine whether the highway has been “either acquired or established” as a limited access highway. “Established” is defined as planned limited access right of way adopted by the Legislative commission. For state highways that have been “established” as a Limited Access Highway, but the access rights have not yet been purchased by the WSDOT, the property owner’s rights are regulated through the Access Connection permitting process of the managed access program.

Step 5 — Initiate Formal Review

A field review of the site is required. The approach shall be evaluated to see if it meets WSDOT design criteria for the access classification. Design criteria are based on corner clearance, “driveway” and public connection spacing, and sight distance. The sight distance is dependent on the posted speed limit.

Based on the application, determine the appropriate road approach design template from the Design Manual Section 920, Road Approaches. Verify if the approach can be constructed in accordance with the appropriate design template.

Solicit review of access connection application from various support groups. Maintenance, Real Estate Services, Headquarters Access and Hearings Unit, Traffic, Environmental, Utilities and Project Engineers may have specific requirements beyond the typical storm drain culvert and mailbox turnout.

Step 6 — Final Determination

If the proposed approach connection meets all criteria after the field review and input from the support groups, complete the Access Connection Permit (Form 224-005). In addition to the permit form and general provisions, the following exhibits are required:

- Special Provisions
- Approach Design Templates (Design Manual: Figures 920-3, 920-4 and 920-5)
- Other appropriate exhibits, as needed (e.g. removal details, guardrail details, sign details, site plan, right-of-way plan sheet and mailbox turnout).

Upon completion, send two (*amount at Region’s discretion*) complete permit packages, to the owner for signature. Within the letter to the property owner, include all pertinent information and request the surety bond (or assignment of savings) in the amount required by your Region. Per WAC 468-51-080, the owner has thirty (30) days to sign and return the permit. See Appendices 20 and 22 for an example letter, permit, and exhibits.

Step 7 — Construction Bonding

Bonding is required for the construction of all road approaches. This bond amount is generally based on the estimated cost of the road approach construction. As an alternative, some Regions have opted to use an “Assignment of Savings Account/Certificate of Deposit” for the purpose of fulfilling the requirement of bonding collateral.

WAC 468-51-070 Fees and surety bonds sets the non-refundable fee structure, and references bonding requirements for the access connection permit process. This rule also addresses any additional fees that may be assessed to the applicant. Fees can be assessed for the actual costs incurred by the WSDOT in the review and administration of the applicant’s proposal that exceed the required base fees.

Copies of the appropriate bond form, Assignment of Savings/Certificate of Deposit form and example Bond Release letter are provided in Appendix 24.

Step 8 — Execution of Permit

Once the access connection permit has been signed by the owner and returned to the Department (with bond or assignment of savings), the permit is considered executed after signature by the Department. An original signed permit is sent to the owner. The other original permit is retained for our records. A copy of the permit is sent to the respective Area Maintenance Superintendent. The Department representative administering the construction of the access should receive a copy of the permit as well. The permittee has 90 days to begin work and 120 days to complete the work after permit issuance. Time extensions can be granted at the Region's discretion. The construction work should be coordinated with the respective Area Maintenance office or project inspector. Once the access construction is completed, a checklist or letter is typically returned to the Region indicating the work has been completed and meets all requirements. (See Appendix 23 for Example-Road Approach Installation checklist) At that point, a bond release letter should be sent to the bonding company or the property owner.

Depending on the complexity of the approach, it may be necessary to retain the bond for a longer period to address any performance issues.

In the event the approach is not constructed within the required time, or does not meet the conditions of the access permit, the Department may act on one or more of the following:

- Extend time;
- Notify the property owner about the deficiencies;
- Cancel the permit and close road approach; and/or
- Utilize the bond to correct the deficiency.

Actions taken shall be in compliance with the conditions of the permit and WAC 468-51-120.

Step 9 — Denial of Access Connection; Adjudicative Proceedings

The adjudicative proceedings for access denial or closure is outlined in the Design Manual 1435.10 and WAC 468-51-150.

Any person who has standing to challenge any of the following department actions may request an adjudicative proceedings (an appeal to an Administrative Law Judge) within thirty (30) days of the department's written decision:

- Denial of an access connection permit application pursuant to WAC 468-51-080
- Permit modifications pursuant to WAC 468-51-120
- Permit revocation pursuant to WAC 468-51-120
- Closure of permitted access connection pursuant to WAC 468-51-120
- Closure of grand-fathered access connection pursuant to WAC 468-51-130
- Permit conditions pursuant to WAC 468-51-150

In such cases, a letter must be sent to the applicant informing them of the decision.

Per the WAC, the letter must include the following information: the specific reasons for denying the access, the process for submitting an amended application, and informing the applicant they have "30 days to request an adjudicative proceeding" if they disagree with the decision to deny the access connection. See Appendix 2 for an example of a denial letter for Managed Access.

NOTE: Contact the Headquarters Access and Hearings Unit for assistance; do NOT contact the Attorney General's office directly as it may legally compromise their ability to assist you.

6.1.05 Highways Crossing Indian Lands

When determining whether WSDOT has authority to regulate access onto state highways that cross Indian Lands, it should first determine whether there are any restrictions on state action that are provided for in the Real Estate Services documents that provide for the state highway's location over the Indian Land. This is the same process used to review underlying deeds for property owners who may have a reserved access property right (e.g., Type B, farm approach). Researching highway grants may be quite difficult since they could be by letter, Bureau of Indian Affairs (BIA) agreement, permit, in addition to more formal documentation, such as easements and quit claim deeds. If there are no restrictions found while researching the underlying documents in Real Estate Services, then the WSDOT would apply the Managed Access and Limited access statutes and rules in the same manner as it does for non-Indian Land.

If a right of access has been reserved or if grants, deeds, easements or other forms of conveyance cannot be established, lands belonging to federally registered Indian Tribes, which presumes to include the highway, are acknowledged to have sovereign immunity. Sovereign immunity is immunity from lawsuits generated in judicial systems that have no jurisdiction over tribes because of their sovereign right to govern themselves.

Access Management statutes from state highways to tribal land would not have any legal significance unless the Tribe gives the state its consent to be sued. The Tribe would have to agree to waive its sovereign immunity from suit for the limited purpose of permitting WSDOT to enforce the terms of the access connection permit. A legally enforceable permit can be accomplished by including an exhibit or special provision within the access permit providing this waiver of immunity. The following is an example special provision that may be used:

Consent to be Sued

"The (Registered Tribe Name) agrees to waive its sovereign immunity from suit for the limited purpose of permitting the Washington State Department of Transportation to enforce the terms of this access connection permit, including all conditions. This limited waiver of sovereign immunity shall not be for, nor shall it be construed as for, the benefit of any other person or entity, and the Tribe does not waive its immunity with respect to any action brought by, or on behalf of, any other entity or person. Jurisdiction over any dispute involving this access permit shall be in the state courts and state administrative forums of the State of Washington."

It is unlikely that a Tribe would give up any rights without seeking mutual benefit or compensation. Therefore, the use of such a waiver is limited and discretionary.

When encountering any "gray areas" involving Managed Access Highways crossing Indian Lands, consult with HQ Real Estate Services Office, or if deemed necessary by RES, the Attorney General's Office early in the process.

6.1.06 Tracking System

Road Access Management Permit System, or RAMPS, was implemented in 2000 to be used as a statewide database to track and assign access connection permits for Access Managed highways. RAMPS provides a uniform numbering system statewide. This database is often used to complement other tracking systems used by each region. Please contact your Regional Information Technology center to have RAMPS installed.

The RAMPS system is owned by the Headquarters' Access and Hearings Unit. All inquiries regarding the database use and operation should be directed to this office. Training classes may also be available through this office.

6.1.07 Coordinating Local Development Approval with State Access Approval

While WSDOT desires to have the access and development approval processes be coordinated, there may be times when they do not occur at the same time. This section explains the differences between the local land use/development review process and the state Access Connection Permit process. While there may be differences in the timing of the processes, it is still understood that both WSDOT and the local government are aware of the proposed development and request for state highway access.

Both local and state approvals are required to develop a parcel of land with proposed access to a state highway. The state approval is in the form of a WSDOT state highway Access Connection Permit regulated by RCW 47.50 (Appendix 12) and WAC 468.51 (Appendix 13) and WAC 468.52 (Appendix 14) and administered through WSDOT for managed access highways. The local approval is the land development review process. The questions and answers below help explain how the two processes provide flexibility in the sequence of gaining approval.

1. Can the local land use approval be obtained prior to state highway access approval?

Yes on managed access highways, however the applicant runs the risk of having the state deny the access, requiring the applicant to either revise the site plan through the local review process or appealing the state's decision to deny the approach road. Flexibility is set forth in WAC 468-51-050.

2. Is the applicant required to obtain state approval prior to the local land-use approval?

No. Depending upon what the local land-use authority allows, a property owner may apply for an Access Connection Permit before, after or during the local land-use review process. The applicants should decide for themselves the best course of action. In cases where a local land-use action is pending, a property owner may apply for an Access Connection Permit. WSDOT may then give *conceptual* approval per WAC 468-51-050 or a *letter of intent* per WAC 468-51-030 if the local agency agrees with the proposed access. See Appendix 2 for an example of a "Conceptual Approval" letter. It should be noted that the *conceptual* approval would be based upon the original site plan, which must mirror the site plan that follows a land use decision. In such cases, the state and local governments must coordinate their reviews and have assurances that the same set of site plans are being approved.

3. Does WSDOT recommend applicants obtain state access approval prior to local approval?

Obtaining conceptual approval for access from the state highway, prior to the local approval for the land use development is encouraged. WSDOT staff can help identify access locations and types that can be supported to aid in development site layout. This helps the applicant understand the state rules pertaining to access prior to submitting either the state or local application.

4. What happens if the state approves an access location and the local government objects?

The applicant must take steps to address the local government's issues. WSDOT will only allow an access when the provisions of Access Management and/or limited access laws are satisfied.

5. What happens if more time is needed to work through the local or state issues?

If more time is needed to work through issues, a request to place the state application on hold may be requested. The developer may also choose to extend the statutory review deadlines on their land use application until the access issue is resolved.

6.1.08 WSDOT Construction Projects

During construction of WSDOT projects, connections will be provided as replacements for existing approved permitted connections that are consistent with all current WSDOT spacing, location, and design standards pursuant to WAC 468-51. Un-permitted connections not considered as "Grandfathered" require a new access permit. All other access procedures and considerations for WSDOT projects are outlined in WAC 468-51-140.

PART 2: Limited Access Highways

6.2.01 General

Limited Access is established to preserve the safety and efficiency of specific state highways and to preserve the public investment. Control is affected by purchasing the right of access from abutting property owners, and by selectively limiting approaches to the highway.

A good understanding of what limited access is and how it applies to Development Services is essential. Development proposals on occasion will request access onto state limited access right of way. This section summarizes general information needed to process these requests from a developer or property owner.

WSDOT Design Manual Chapter 1430 explains in detail what limited access is, why we need it and how it is established. RCW 47.52 and WAC 468-58 (see Appendix 17) govern limited access control on state highways. It is highly recommended that anyone working with limited access issues read and understand both the laws that govern limited access and the processes outlined in the Design Manual. Contact the Headquarters Access and Hearing Unit for assistance.

Highways regulated by limited access are termed limited access highways, and are further distinguished as having full, partial or modified access control.

These three types of access control are established under the authority of the State Transportation Commission through State Design Engineer in Headquarters and the State Access and Hearings Manager. Many factors are considered in the establishment of a limited access highway, such as type of access control, number of existing access points, type of property use, intersection spacing, functional classification, future and present land use, character of traffic, frontage road locations and more.

The access criteria for limited access highways (as described in WAC 468-58-040) are as follows:

FULL CONTROL LIMITED ACCESS HIGHWAY

- Access to interchanges at selected public roads, rest areas, viewpoints, or weigh stations can be allowed at WSDOT's discretion. At-grade crossings are prohibited.
- No private connections are allowed.
- Limited Access control limits typically extend back on the crossroad a minimum distance of 300 feet. See Design Manual, Chapter 1430.03(3).
- Type 'F' Permits for wireless communication sites are allowed (WAC 468-58-010)

PARTIAL CONTROL LIMITED ACCESS HIGHWAY

- Public roads, some crossings, and some private approaches are allowed. The property deeds have the conditions that specify the land use or number of users allowed to use the approach.
- Commercial approaches are not allowed within the limits of partial access control.
- Limited Access control limits typically extend back on the public road a minimum distance of 300 feet. See Design Manual Chapter 1430.04(3).
- Type 'F' Permits for wireless communication sites are allowed (WAC 468-58-080)

MODIFIED CONTROL LIMITED ACCESS HIGHWAY

- Public roads and some private residential approaches are allowed. Commercial approaches that were existing and in use at the time of establishment of limited access may be allowed. The property deeds have conditions that specify the land use or number of users allowed to use private connections.
- Any new commercial access must be from the local road network through public road intersections.
- Limited Access control limits typically extend back on the crossroad a minimum distance of 130 feet. See Design Manual, Chapter 1430.05(3).

6.2.02 Modifications For Private Access Approaches

Examples of access modification to limited access facilities requested by development include additional road approaches, changes in the permitted use, or number of users of existing road approaches. See DM 1430.10(2).

Requirements

Plan revisions, which provide for additional access to individual ownerships after the department has purchased the access rights are normally not considered. However, these revisions may be considered if it can be established that:

- The efficiency and safety of the highway will not be significantly affected,
- There are no other reasonable alternatives,
- The existing situation causes extreme hardship on the owner(s), and
- The revision is consistent with the limited access standards for the class of highway and level of existing or planned future limited access.
- The applicant concurs with and pays value determination to the department.

Procedures

A written request from the local agency for public access or the property owner for private access is received. The request will include an item-by-item analysis of the factors listed in DM 1430.10 (2b), along with:

- ✓ **Why?** Provide the background & history for request.
- ✓ **What** other alternatives have been looked at?
- ✓ **What** type of impacts will the break create?
- ✓ **How** to mitigate those impacts?

Once the written request has been received, Region initiates a preliminary engineering review of the requested modification to for a break in limited access. The HQ Access and Hearings Section will conduct this preliminary review to determine if conceptual approval may be granted for the request. If conceptual approval cannot be granted, a letter denying the request is sent to the proponent. See Appendix 2 for an example of a denial letter for break in limited access. See Appendix 2 for an example of a Denial letter for break in limited access. If conceptual approval can be granted then:

Region initiates an engineering review of the requested modification. If from a safety and engineering stand point the break can be allowed, then:

Region Real Estate Services (RES) can produce an estimate of the fair market value if the proponent wishes, but the actual value determination will only be finalized after the approval of the break in access by the Environmental and Engineering Policy (E&EP) Director or designee. If the proponent wishes to continue to pursue the break in access, then:

- Region prepares and submits to Headquarters Plans Branch a preliminary limited access right of way plan revision together with a recommendation for approval by the E&EP Director. If the access break involves an Interstates Highways, FHWA has final approval authority.

Final Processing

- If available, Region Real Estate Services (RES) informs the requestor of the estimated fair market value for the access change or access break.
- If requestor is still interested, region RES prepares a “Surplus Disposal Package” for Region, Real Estate Services Headquarters and FHWA review; and State Design Engineer approval. (Many offices in HQ and Region review the request)
- At the same time, the preliminary limited access plan revision previously transmitted is processed for State Design Engineer approval.
- Region RES will conduct an appraisal of the access break, Headquarters RES will review the appraisal and notify the requestor of the actual cost of the break in access.
- After the department collects the payment from the requestor, the region issues a permit for the construction, if required.
- Headquarters Real Estate Services Office prepares and records a deed granting the change to the access rights.

6.2.03 Modifications for Public At-Grade Intersections

Requirements

- Public at-grade intersections on partial control limited access highways serve local arterials that form part of the local transportation network.
- Requests for new intersections on limited access highways must be made by or through the local governmental agency to WSDOT. The region will forward this request, including the data referenced in Design Manual, Chapter 1430.11(1) and (2)(a).
- New intersections require full application of current limited access acquisition and conveyance to the WSDOT. The access acquisition and conveyance must be completed prior to beginning construction of the new intersection. The new intersection will meet WSDOT design and spacing criteria.

Procedures

- Region evaluates the request and contacts the HQ Access and Hearings Unit for conceptual approval.
- Region submits an intersection plan for approval (Chapter 910) and a right of way and limited access plan revision request (*Plans Preparation Manual*). This plan revision request includes the limited access design criteria applicable to the proposed public at-grade intersection.
- State Design Engineer approves the intersection plan.
- E&EP Director approves the access revision.
- Region submits the construction agreement to the State Design Engineer. (See the *Agreements Manual*.)
- E&EP Director approves construction agreement.

Valuation Determination

- When a requested public at-grade intersection will serve a local arterial that immediately connects to the local transportation network, compensation will not be required.
- When a requested public at-grade intersection will serve only a limited area, does not immediately connect to the local transportation network, or is primarily for the benefit of a limited number of developers, compensation for the access change will be addressed in the plan revision request. In these situations, compensation is appropriate and a fair market value will be determined as outlined in Design Manual, Chapter 1430.11(2)(c) above.

